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11 **UNITED STATE DISTRICT COURT**
12 **DISTRICT OF NEVADA**
13

14 DANIEL ANDREWS,
15 Plaintiff,
16 v.
17 HENDERSON POLICE DEPARTMENT;
JOSEPH EBERT, R. ADAMS, K. LAPEER,
K. LIPPISCH and DOES 1 to 10, inclusive,
18
19 Defendants.

20 CASE NO.: 2:18-cv-01625-RFB-BNW

21 **STIPULATION AND ORDER TO STAY
DISCOVERY AND TO EXTEND
REBUTTAL EXPERT DEADLINE,
DISCOVERY CUT-OFF DATE,
DISPOSITIVE MOTION DATE, AND THE
PRE-TRIAL ORDER DATE
(SECOND REQUEST)**

22 Plaintiff, DANIEL ANDREWS ("Andrews") and Defendants HENDERSON POLICE
23 DEPARTMENT, JOSEPH EBERT, R. ADAMS, K. LAPEER, K. LIPPISCH ("Defendants"), by and
through their counsel, hereby stipulate and agree as follows:

24 1. On August 28, 2018, Plaintiff filed their Complaint [#1].
25 2. On October 23, 2018, Defendants filed their Answer to Complaint [#15].
26 3. On October 24, 2018, Defendants filed their Motion to Dismiss Plaintiff's Complaint
27 [#17].

28 / / /

1 4. On November 6, 2018, Plaintiff filed their Opposition to Defendant's Motion to
2 Dismiss Plaintiff's Complaint [#18].

3 5. On November 13, 2018, Defendants filed their Reply in Response to Plaintiff's
4 Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint [#19].

5 6. On January 16, 2019, the United States District Court filed its Scheduling Order [#21],
6 which set forth the following deadlines:

7 a. The parties shall meet and /or confer as required by Fed. R. Civ. P. 26(f) not
8 later than January 31, 2019

9 b. Last date to complete discovery: April 24, 2019

10 c. Last date to amend pleadings and add parties: January 22, 2019

11 d. Last date to file interim status report: February 21, 2019

12 e. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): February 21,

13 2019

14 f. Last date to disclose rebuttal experts: March 25, 2019

15 g. Last date to file dispositive motions: May 24, 2019

16 h. Last date to file joint pretrial order: June 24, 2019. In the event dispositive
17 motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a
18 decision of the dispositive motions.

19 7. On January 23, 2019, the parties jointly filed their Proposed Discovery Plan and
20 Scheduling Order [#24], which set forth the following deadlines:

21 a. Parties will exchange the initial disclosures within 7 days of the Rule 26-1
22 Conference in accordance with Rule 26(a)(1)(C)

23 b. Discovery will take 90 days, measured from January 23, 2019. All discovery
24 must be commenced in time to be completed by April 24, 2019.

25 c. Disclosure of experts shall proceed as follows: Plaintiff and Defendants shall
26 disclose their experts to each other at least sixty (60) days before the discovery cut-off date, by February
27 21, 2019. Plaintiff and Defendants shall disclose their rebuttal experts at least thirty (30) days after the

1 initial date for disclosure of experts by March 25, 2019, which is thirty-two (32) days after the initial
2 expert disclosure. Further each party agrees to make their experts available for deposition, and facilitate
3 same, prior to discovery cut-off. The parties intend to submit a stipulation and order to extend the deadline
4 to disclose experts from February 21, 2019 to March 13, 2019 and to disclose rebuttal experts from March
5 25, 2019 to April 12, 2019.
6

7 d. The parties shall have until May 24, 2019 to file dispositive motions. This does
8 not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(e)(4)
9 presumptively sets for filing dispositive motions.

10 e. The pretrial order shall be filed by June 24, 2019, which is not more than thirty
11 (30) days after the date set for filing dispositive motions in the case. This date is suspended if the
12 dispositive motions are timely filed. In such a case, the pretrial order shall be filed thirty (30) days after
13 the Court files an Order on any dispositive motions. The disclosures required by FRCP 26(a)(3) shall be
14 made in the joint pretrial order.

15 f. LR 26-4 governs modifications or extension of this discovery plan and scheduling
16 order. Any stipulation or motion must be made not later than twenty-one (21) days before the subject
17 deadline and comply fully with LR 26-4.

18 8. The parties filed a first request for an extension as it relates to expert disclosures, Interim
19 Status Report, and the Discovery Cut-Off dates.

20 9. On February 13, 2019, the United States District Court filed its Order [#28], granting
21 the stipulated extension of the expert disclosure, Interim Status Report, and the Discovery Cut-Off
22 dates.

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1 10. This Request for a stay of discovery and extension of unexpired dates is the second
2 request and is not sought for any improper purpose or other purpose of delay. On May 1, 2019,
3 Plaintiff's counsel notified Defendant's counsel that he was scheduled for open heart surgery on May
4 20, 2019 and would need at least two months to return to a full workload. Both parties have been
5 actively pursuing in discovery through interrogatories, requests for production of documents, and
6 conducting depositions. Because the parties are actively engaging in discovery, good cause exists for
7 the requested extensions due to Plaintiff's counsel's medical issue.
8

9 11. This is the first request for a stay and a second request for an extension and applies
10 only to the dates that have not expired to stay discovery and allow Plaintiff's attorney to recover from
11 his medical procedure. The parties respectfully submit that the reasons set forth above constitute
12 compelling reasons and good cause for the stay of discovery.
13

14 12. All parties, as indicated by the signature of counsel below, agree and stipulate to stay
15 discovery at this time with extensions to the following deadlines:
16

- 17 a. Rebuttal Expert Disclosures – 30 days after a Stipulation and Order Lifting
Stay is issued
- 18 b. Discovery Cut Off – 60 days after the Stipulation and Order Lifting Stay is
issued
- 19 c. Dispositive Motions – 90 days after the Stipulation and Order Lifting Stay is
issued

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1 d. Pre-trial Order – 120 days after the Stipulation and Order Lifting Stay is issued,

2 unless Dispositive Motions are filed. If Dispositive Motions are filed, the Pre-trial Order will be filed

3 30 days after the Court files an Order on any Dispositive Motions.

4 DATED this 13th day of May, 2019. DATED this 13th day of May, 2019.

5 CITY OF HENDERSON

6 LAW OFFICES OF PETER GOLDSTEIN

7 /s/ Michael J. Oh

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7 /s/ Peter Goldstein

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DANIEL ANDREWS

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15 **ORDER**

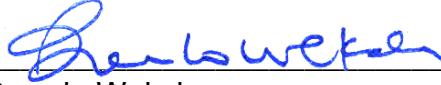
16 IT IS ORDERED that:

17 1. The parties' Stipulation to Stay Discovery (ECF No. 40) is **GRANTED** until **July 20, 2019**.

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19 2. The parties shall, no later than **July 20, 2019**, submit a proposed amended
20 discovery plan and scheduling order consistent with the deadlines outlined in this
Stipulation and Order.

21 Dated: May 14, 2019

22 
Brenda Weksler
23 United States Magistrate Judge